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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,877	05/30/2001	Jesse Ambrose	OIC0157C1US	4487
60975 7590 06/01/2009 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
QUELER, ADAM M				
ART UNIT		PAPER NUMBER		
2178				
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06/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/866,877

Applicant(s)

AMBROSE ET AL.

Examiner

Adam M. Queler

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Appendix

DETAILED ACTION

1. This action is responsive to communications: Amendment and RCE filed 05/08/2009.
2. Claims 21-24, 28-32, and 34-35 are pending in the case. Claims 21 and 28 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/2009 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 28-32 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 28 recites system element, such as an object manager as elements of a method. This does not appear to be an attempt to claim a hybrid method/product claim, but rather an error of form. Due to the uncertainty of whether this is intended to be a method claim in a particular system or a functional limitations in a system it raises many uncertainties in scope. For examining purposes only, all limitation will be examined as if they were properly claimed in combination. Dependent claims are rejected for incorporating the deficiencies of their parent.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 21-24,28,31,32,34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al. (US 6633914 B1, 10/14/2003) hereinafter Bayeh-914, , and further in view of "Press return = Click button?" (8/1/1997) by Michael Cote. Microsoft TechNet, "Transmission Control Protocol" hereinafter TechNet, is cited as evidence regarding TCP, and further in view of Whalen. (US 5948066, September 7, 1999). Regarding independent claim(s) 21, Bayeh-914 teaches at least a first and second client computer (Fig. 2, 30a-c), with what is clearly a standard PC 101/102-key keyboard (see keyboard of Fig. 1 magnified in the attached appendix). Such a keyboard inherently includes a tab key button. Bayeh-914 teaches a server comprising a memory (col. 3, line 44, configuration similar to client col. 4, ll. 27-28). Bayeh-914 teaches a server comprising an object manager**

(web server) comprising business objects that contain business logic, (servlets col. 4, ll. 49-64). Bayeh-914 teaches the server handles the requests (data) from the clients and dispatches them to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh-914 teaches at least a first and second request, inherently comprising a first and second data that define the request, which are entered by thin client user interfaces (Web Clients, col. 5, ll. 2-6). Bayeh-914 teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client. Bayeh-914 teaches the connections are TCP connections (col. 4, ll.16-17). TechNet is cited as evidence that a TCP connection is a session-based connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh-914 teaches transmission of data to the server through a web client as described above, but is silent to the specific key that is pressed, in response to which they are submitted. Cote teaches a web client (web form) that in response to a user hitting the tab key (the `onblur` event handler is fired when focus changes off on the input field; a tab key press changes focus; thus the tab key press fires the `onblur` event) transmits the data request (`onblur="submit ()"`). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that tab key to transmit the data for both clients, because it was a desired way to submit data ("*it will do what you want it to do (automatically submit).*").

Regarding independent claim(s) 28, Bayeh-914 teaches at least a first and second computer systems (Fig. 2, 30a-c), with what is clearly a standard PC 101/102-key keyboard (see keyboard of Fig. 1 magnified in the attached appendix). Such a keyboard inherently includes a tab key button. Bayeh-914 teaches first and second interfaces (Web Clients, col. 5, ll. 2-6). Bayeh-914

teaches a server comprising an object manager, the web server, comprising business objects that contain business logic, the servlets (col. 4, ll. 49- 64). Bayeh-914 teaches the server handles the requests from the clients and dispatches them to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh-914 teaches at least a first and second request (col. 5, ll.2-6), inherently comprising a first and second data that define the request, from a first and second client computers (Fig. 2, 30a-c). Bayeh-914 teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client. Bayeh-914 teaches the connections are TCP connections (col. 4, ll.16-17). TechNet is cited as evidence that a TCP connection is a session-based connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh-914 teaches transmission of data to the server through a web client as described above, but is silent to the specific key that is pressed, in response to which they are submitted. Cote teaches a web client (web form) that in response to a user hitting the tab key (the `onblur` event handler is fired when focus changes off on the input field; a tab key press changes focus; thus the tab key press fires the `onblur` event) transmits the data request (`onblur="submit () "`). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that tab key to transmit the data for both clients, because it was a desired way to submit data ("*it will do what you want it to do (automatically submit).*")

The above combination does not disclose sending in a compressed format. Whalen discloses sending information in a compressed format (col. 4, ll. 22-25). It would have been

obvious to one of ordinary skill in the art at the time of the invention to send the information in a compressed format because it would have improved efficiency (col. 1, ll. 45-49).

Regarding dependent claim(s) 22, Bayeh-914 teaches the object manger is multi-threaded, and therefore inherently multi-tasking (col. 1, ll. 52-55). Bayeh-914 discloses maintaining the states (col. 6, ll. 9-12).

Regarding dependent claim(s) 23, 24, 34 and 35, Bayeh-914 teaches the clients are at least two different types of client technology (col. 4, ll. 6-9).

Regarding dependent claim(s) 31 and 32, the above combination does not expressly describe a sales business object or customer service business object. The broadest reasonable interpretations of these objects are objects that return results pertinent to sales and customer service, respectively. Bayeh-914 instead teaches a general object and is silent as to the type of data being received. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the functions of the apparatus would be performed the same way regardless of whether the objects returned sales data, customer service data, or any type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to return results of any category (including sales and customer service), therefore having any category of object (including a sales business Object and a customer Service business object) because such data does not functionally relate to the steps in

the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

10. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh-914, Cote and Whalen, as applied to claim 28 above, and further in view of Applicant's Admitted Prior Art.

Regarding dependent claim(s) 29, the above combination does not specifically mention encryption, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTPS an encrypted version of HTTP was well-known and frequently used in place of HTTP when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTPS rather the HTTP to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Regarding dependent claim(s) 30, Bayeh-914/Cote does not specifically mention authentication, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTP requests requiring authentication were well-known and frequently used when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTP authentication to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Response to Arguments

11. Applicant's arguments, see pp. 7-8, filed 10/20/2008, with respect to the rejection(s) of claim(s) 21-24, 28, 31, 32 and 34-35 under §103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the previous prior art and the newly found reference Whalen, as described above.

12. Applicant's arguments filed 5/8/2009 regarding the §112 rejection have been fully considered but they are not persuasive. There are still elements such as the object manner that are in improper form for a method claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571)272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2178

/Adam M Queler/
Examiner, Art Unit 2178